

Executive Registry

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THE WHITE HOUSE

WASHINGTON

October 30, 1975

MEMORANDUM TO:

SECRETARY KISSINGER
SECRETARY SCHLESINGER
ATTORNEY GENERAL LEVI
DIRECTOR LYNN
DIRECTOR COLBY
PHILIP BUCHEN

FROM:

JACK MARSH

SUBJECT:

Organization of the Intelligence
Co-ordinating Group

As a step towards implementing the President's directive of September 19th, I have developed a plan to guide the activities of our group.

As indicated in the attachments, the co-ordinating group will continue to meet in the Situation Room each morning. In addition I have set up five task forces designed to deal with the day to day problems involved in the on-going investigation of the Intelligence Community. I have also set up three major study groups for the purpose of developing longer range solutions.

You will note that in some cases I have not indicated an agency representative and I hope that you will fill in the appropriate name for your departments and agencies as soon as possible. In addition if you wish to change a representative I have suggested please feel free to do so.

I hope to begin implementing this plan immediately, and therefore I would appreciate any changes or comments by close of business today.

Thanks very much.

Coordinating Group
Jack Marsh
I-23.1

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17AB I
Functioning of ICG

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FUNCTIONING OF
INTELLIGENCE COORDINATING GROUP

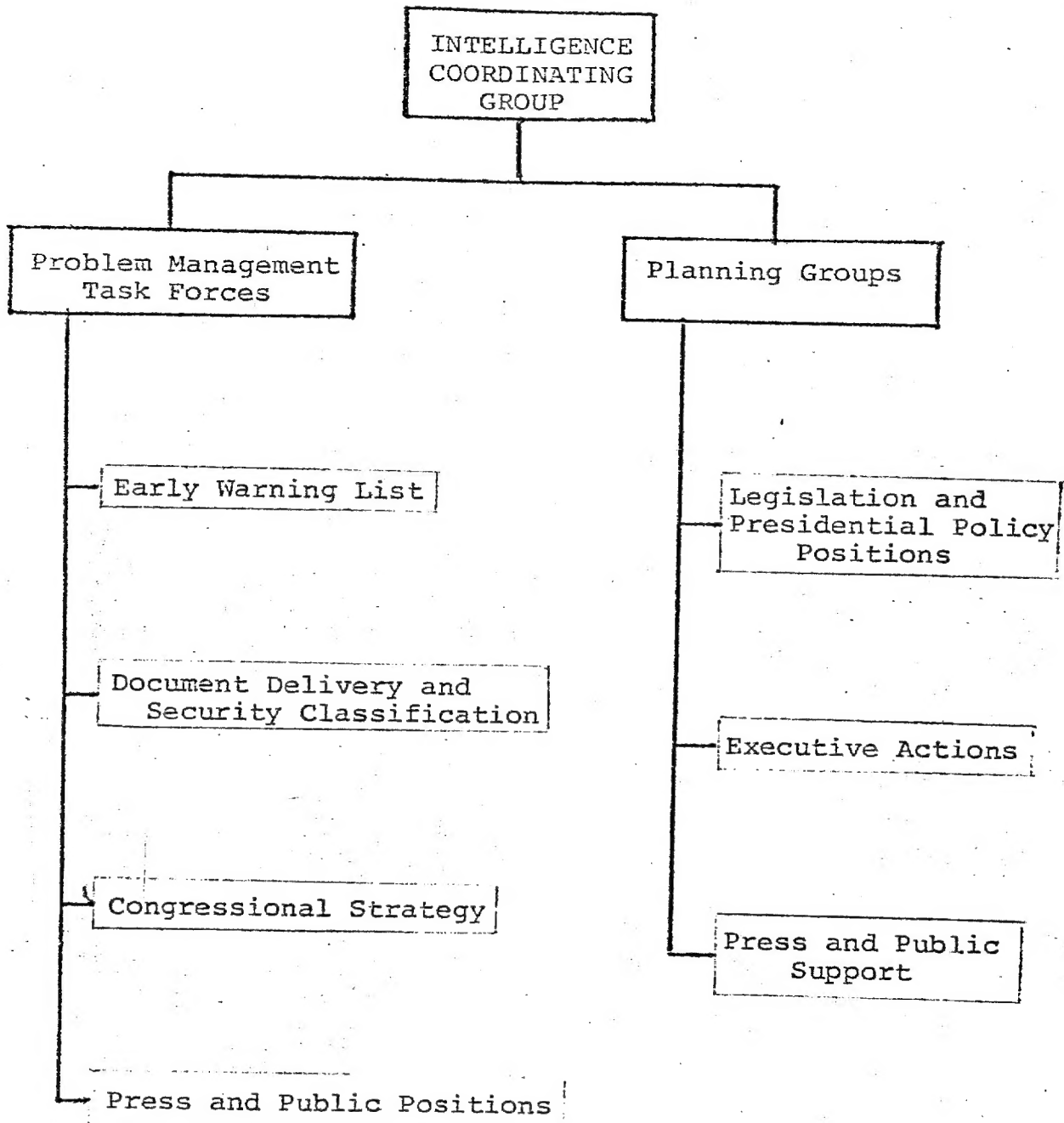
The Group was established by the President on September 19 and consists of: Secretary Kissinger, Secretary Schlessinger, Attorney General Levi, Jim Lynn, Bill Colby, Philip Buchen and Jack Marsh (Chairman). It meets every day and acts essentially as a "Board of Directors" to coordinate and organize the Administration's response to matters dealing with the intelligence community.

The Group will continue to undertake functions in two broad areas:

- (1) Problem Management - Ongoing matters will be reviewed daily by the Group. Task Forces will be established as necessary to resolve specific difficulties (see Tab II). Each Task Force will be chaired by a member of the Coordinating Group; its members will be assigned from the Executive Branch, as appropriate, and a specific individual will be designated as having staff responsibility.
- (2) Planning - In order to provide focus and direction, several permanent Planning Groups will be established (see Tabs III, IV and V). Like the Task Forces, each Planning Group will be chaired by a member of the Coordinating Group; members will be designated, as appropriate, and an individual will be assigned as staff.

Staff and administrative support and
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Planning Groups will be provided by the appropriate line
departments and agencies. The Coordinating Group will pro-
vide policy guidance for these sub-groups and will review
all decision and information memoranda for the President.

See attached summary charts.



Scheduled

	<u>A.M.</u>	<u>P.M.</u>
Monday	ICG	. Committee strategy . Press and Public Positions
Tuesday	ICG	
Wednesday	ICG	
Thursday	ICG	
Friday	ICG	Early Warning List
Saturday	ICG	

On Call of Chairman

Task Forces:

- . Document Delivery & Security Classification
- . Executive Privilege

Planning Groups:

- . Legislation Planning & Presidential Policy Positions
- . Executive Actions
- . Press & Public Support

TAB 2
Problem Management

The following Task Forces should be established:

1) Early Warning List

PURPOSE: Maintain a list of potential problem areas.

Analyze nature of problem and prepare a fact sheet for each problem area containing:

- Description of allegation/facts and where and when it is likely to surface.
- Analysis of potential public, press, etc. reaction.
- Guidance for public (and private) statements by Administration officials.
- Identify key person/agency.

PARTICIPANTS: Marsh, Chairman
Rogovin, CIA
Hall, Defense
Hyland, State
 , Justice
Staff: Duval

MEETINGS: Every Friday

DEADLINES: Ongoing for duration.

2) Document Delivery and Security Classification Problems

PURPOSE: To control and expedite delivery of appropriate documents requested by the Committees. This Task Force will receive guidance from the Task Force on Executive Privilege.

Resolve issues involving delivery or publication of classified documents.

PARTICIPANTS: Buchen, Chairman

CIA

Hyland, State

Hall, --, Defense

Scowcroft, NSC

, PFIAB

, Justice

Ogilvie, OMB

(Other agencies, if required)

Staff: Wilderötter

MEETINGS: On call of Chairman.

DEADLINES: Ongoing for duration.

3) Executive Privilege

PURPOSE: To develop guidelines for use of Executive privilege and provide a mechanism to staff case-by-case Presidential decisions.

PARTICIPANTS: Buchen, Chairman

Levi, Justice

Scowcroft, NSC

Kissinger, State

Latimer, Defense

Lynn, OMB

CIA

Staff: Wilderötter (Duval)

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MEETINGS: On call of Chairman.

DEADLINES: 10/28 - Guidelines for Presidential Libraries.

4) Select and Other Committees Strategies

PURPOSE: To develop overall policy guidance for dealing
with the Committees.

PARTICIPANTS: Marsh, Chairman
Friedersdorf, White House
Leppert, White House
Kendall, White House
 CIA

STAT
Staff: Leppert (Duval)

MEETINGS: Every Monday

DEADLINE:

5) Press and Public Positions

PURPOSE: Provide day-to-day management of Press and
other public issues. This Task Force
will receive guidance from the Planning Group
on Press and Public Support.

PARTICIPANTS: Marsh, Chairman
Nessen, White House

Staff: Duval

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MEETINGS: Every Monday

DEADLINES: 10/28 - Approve initial Press and Public
Position Plan.

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Leg. Planning & Pres.
Policy Positions

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I. Planning Group Members

Steering Group - Marsh, Chairman

Buchen, White House

White House

Scowcroft, NSC

Lynn, OMB

Staff: Duval

Members -

Colby, CIA

Schlesinger/Hall, Defense

Kissinger/Hyland, State

Levi/Scalia, Justice

Ogilvie, OMB

Staff: Clark (Duval)

II. Plan for Developing Legislation

A) Develop Information Base

Deadline
10/31

- 1) Review and collate current statutes, orders, directives, procedures, etc., which form the legal basis for intelligence community activity
- 2) Review and collate key studies, e.g., Rockefeller and Murphy.

- Approved For Release 2004/10/28 : CIA-RDP80M01066A000800250009-0 Deadline
11/7
- B) Solicit and analyze views and recommendations for goals, principles and objectives of legislation
- 1) Canvass Executive branch
-- use Coordinating Group
 - 2) Solicit (informally) opinions from Congress
 - 3) Interview key non-government persons. (See Tab III, Appendix for draft list and procedure.)
- C) Develop (1) Statement of Goals, Principles and Objectives, and (2) an outline of options for legislation. Submit to Coordinating Group. 11/10
- D) Prepare and staff out Issue Papers. 11/12
- E) Weekend meeting at Camp David (no Presidential involvement). 11/14-16
- F) Deliver Issue Book to the President 11/21
- G) President meets with Coordinating Group 11/24-26
- H) Redo Issue Book and draft legislation -- deliver to President 12/6
- I) Second meeting with the President 12/11-13
- J) Draft legislation and submit to OMB for agency review 12/18

III. Presidential Policy PositionsDeadline

- A) Draft Presidential Statement to
 accompany Executive Orders (PFIAB
 and Restrictions)
- B) Draft speech (for delivery mid-November) 11/4
- C) Draft narrative for SOTU
- Outline 11/21
 - First draft 11/28

A) List of Possible Invitees

- Buchen

- 1) Anthony G. Oettinger - Director of the Harvard
Program on Information Technologies and Public
Policy
- 2) Paul H. Nitze

- Goldwin

- 3) Joseph Cropsey - Professor of Political Science,
University of Chicago
- 4) Walter Berns - Professor of Political Science,
University of Toronto
- 5) James Q. Wilson - Professor of Government, Harvard
University
- 6) Herman Kahn



- 7) John Gardner - Common Cause, former Secretary
of HEW
- 8) Joseph Califano - former Presidential (LBJ) advisor;
General Counsel of DNC
- 9) Abe Fortas
- 10) Warren Christopher - former Deputy Attorney General
from California

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- 12) Ted Sordensen - former (JFK) White House assistant
- 13) George Ball - former Under Secretary of State;
now with Lehman Brothers
- 14) McGeorge Bundy - former National Security advisor
- 15) Andrew Heishell - Publisher of Time-Life
- 16) William Fulbright - former Senator
Latimer
- 17) [REDACTED]
- 18) Mel Laird
- 19) Admiral Tom Moorer
- 20) David Packard
- 21) Paul Nitze
- 22) Elliott Richardson

B) Logistics

- 1) Names should be approved by White House Staff and Coordinating Group.
- 2) Nessen should be briefed.
- 3) Invitations extended.
- 4) These individuals should be appointed as one-day consultants so they can be reimbursed for travel. Whose budget?

C) Interview Procedure

- 1) Interview briefing materials to be prepared.
 - a) Biography
 - b) Subject areas to be covered
 - c) Sample Qs.
- 2) Begin with lunch in Conference Dining Room. Marsh or Buchen should host. A senior official from CIA, Defense, State, Justice, etc., should attend as appropriate.
- 3) Interview will continue for about one or two hours after lunch with staff.
- 4) Summary will be prepared and given to Study Group.

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TAB IV
Executive Actions

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I. Planning Group Members

Steering Group - Buchen, Chairman

Marsh, White House

Scowcroft, White House

Lynn, OMB

Members - Levi/Scalia, Justice

Hyland, State

Hall, Defense

Colby, CIA

Staff: Wilderotter (Duval)

II. Purpose

Develop proposals of actions which the President can take administratively to improve the functioning of the intelligence community.

III. Plan

A) PFIAB Executive Order/Board

Deadline

- Memo to the President

10/24

- Announce

- Nominate new Board

	<u>Deadline</u>
B) Restrictions Executive Order	
- Memo to the President	10/28
- Announce	
C) Establish new procedures to safeguard intelligence materials (NOTE: Herein the "series checks" problem and other civil liberties issues. Special coordination will be required with the Attorney General and NSA.)	
- Outline current procedures	10/28
- Identify problem areas	10/31
. Legal	
. National security	
- Draft Issue Paper to Coordinating Group	11/5
- Memo to the President	11/8
- Issue order(s)	11/12
D) Catalog other areas for possible Executive action	11/5

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TAB V
Press & Public Support

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Although this document is
old - EK' apparently did not see a
copy until I found this one in
a pile of destruction. I checked
cards and White House Co ordinating
file and verified that we do
not have a copy.

CENTRAL INTELLIGENCE AGENCY
Executive Registry
75-14,890
OFFICE OF THE DIRECTOR

15 October 1975

John Warner:

The attached may be of some
interest. Ed Levi prepared it
for the 9 a.m. White House Group.

Mitch

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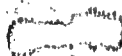
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15-8647

THE WHITE HOUSE

WASHINGTON

September 25, 1975



MEMORANDUM FOR: SECRETARY KISSINGER/BILL HYLAND
SECRETARY SCHLESINGER/TOM LATIMER
ATTORNEY GENERAL LEVI
PHIL BUCHEN
DON RUMSFELD
JAMES LYNN/DON OGLVIE
WILLIAM COLBY [REDACTED]
BRENT SCOWCROFT/BUD McFARLANE

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FROM: MIKE DUVAL

D

Attached is the rewrite of Option 1.

Attachment

Noted
10.1.6 Hobb
EX-101

STAT

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24 September 1975

MEMORANDUM FOR: Morning Meeting Participants

Attached are materials that were discussed at the morning meeting. First is a memorandum from Congressman McClory to the President which I am afraid speaks for itself.

The second is a two-page memorandum from the Attorney General captioned "The Problem."

The third is a draft statement for the President prepared by the White House.

The fourth attachment is a final draft of the options to be presented to the President.

Our proposal was discussed at length but rejected in favor of a variation of the Attorney General's.



STAT

Special Counsel to the Director

I-23
(EXECUTIVE REGISTRY FIVE ~~Coordinating~~)

MEMORANDUM

To: The President

From: Robert McClory, M.C.

Date: September 23, 1975

The four Republican Members of the House Select Committee on Intelligence met on Tuesday, September 23, and agreed that the procedures adopted at the Full Committee meeting on September 17 should be accepted by the Executive Branch as a reasonable method for receiving classified materials necessary to our investigation.

While the 24-hour notice for comments by the intelligence agencies may appear too restrictive in some instances, the time element had general support -- for the reason that the intelligence agencies are centered in this area. It was understood that in cases where a longer period of time was required, this would be considered by the Committee -- without specifying this additional time element in the statement of procedures.

There was also general agreement by the Republican Members that the subpoenas heretofore issued should be complied with in reliance upon the new procedures adopted by the Committee. It is further the position of all of the Republican Members on the Committee that the procedures adopted by the Committee are in substantial compliance with the request directed to the Chairman of the Committee by Mr. McClory. Mr. McClory's letter was read on the telephone to Mr. Hills before delivery to the Chairman.

The Problem

I gather there is no doubt that there is a widespread feeling in Congress that it has the right to declassify documents. Documents are often overclassified. There, perhaps, is a feeling in the Executive branch that the declassification or publication of any classified document by a Congressional Committee threatens the whole classification system. The committees may not wish to give the Executive the necessary time to review documents line by line; the Executive branch may feel that to do this (as is required for other purposes in the Freedom of Information Act) is an enormous, time-consuming job.

There is a feeling in Congress that it should be and is the dominant branch. One congressman of some distinction indicated to me he did not believe that checks and balances were supposed to apply to Congress. There is a feeling in the Executive branch that a weakening of the President's position on maintaining confidentiality will have serious defense or international effects.

The two branches, unintentionally perhaps, may be on a collision course, with an escalation of the tension making a workable solution difficult. The result may be litigation with uncertain effects.

Lawyers for the Executive and lawyers for the Congress can read the same source materials as to the law and come to very different conclusions. On balance, if the Executive can maintain a reasonable position, I believe time is on the Executive's side. That is, the later the litigation comes, the more likely I think the Executive will be to have a favorable decision, provided the Executive's position is not perceived as unreasonable in the meantime.

For the sake of good government and the safeguarding of sensitive materials, it is essential that Congress feel it has a responsibility to protect confidentiality.

Court Strategy

The basic proposal for court strategy is that everything be done to make sure that the Executive position is a reasonable one. For this reason, the withholding of all classified documents, whether really sensitive or not, while it produces a confrontation, will jeopardize the Executive's position in Court. It may be that a court will not require that the documents be examined in camera. But in my judgment there is a considerable chance it may, which it is foolish to ignore. The presence of many documents, or parts of documents,

- 2 -

which the Court believes could be safely given to the Committee, even though the Committee might decide to publish them, is a threat to the Executive's position. I believe it would help with the Court strategy also if the Executive has suggested a procedure to the Congress.

Compromise Strategy

I doubt if the present withholding of documents should be continued. Rather, the Executive Branch should notify the Committee that the Executive Branch is going over the documents to make sure that the most sensitive information, where publication would be particularly harmful, is removed.

If the Committee releases information where the harm is genuine, this should be clearly pointed out. I think there has been some reluctance to do this for fear the explanation will increase the harm. But I think such a step will be necessary. The country does not understand, for example, the implications of the four words.

The Executive should propose a procedure whereby if a Committee wishes the whole or part of a document to be published, it agrees to (1) consult with the Executive; (2) to give the Executive an opportunity to make a judgment; (3) has an appellate procedure within the Congress to make a determination; (4) the top reviewing group will confer with the President before making its determination. The proposal could be adopted as an experimental working procedure if necessary. In any case, the President should reserve, as he must, since he cannot give it away, his own privilege to be used, if necessary when requests for documents to him are made.

9/23/75

EHL

DRAFT (M.D.) Approved For Release 2004/10/28 : CIA-RDP80M01066A000800250009-0
9/23/75
6:00 p.m.

STATEMENT BY THE PRESIDENT

A dispute has arisen between the Executive branch and the Select Committee of the House of Representatives, which is reviewing intelligence activities of the Federal government. The only question concerns whether one Congressional committee may unilaterally declassify highly sensitive national security materials and release them to the public without Executive branch coordination.

I will ~~take~~ ^{not} ~~do nothing to impede~~ legitimate inquiries by the Congress. I will not allow the use of national security classification to cover up the failure of our intelligence community or conceal criminal activity. At the very beginning of the current hearings by the Senate and the House, I ordered all Executive branch agencies to fully cooperate with both committees and to provide the materials requested in a manner consistent with my Constitutional responsibility to protect national security.

[Insert paragraph from the Attorney General on power of the President to withhold information]

I am in no way challenging the power of Congress or questioning their status as a co-equal branch of government. I am simply stating that I cannot abdicate my responsibility to safeguard critical materials which, if released ^{unilaterally} ~~to the public~~, could jeopardize the security of our country. I am absolutely

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